

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

IN RE NEW ENGLAND COMPOUNDING )  
PHARMACY, INC. PRODUCTS LIABILITY )  
LITIGATION )

MDL No. 2419

Dkt. No 1:13-md-2419 (RWZ)

THIS DOCUMENT RELATES TO: )

NAOMI DAUGHTERTY v. DONALD )  
JONES, M.D., *ET AL.* )

Dkt. No. 1:14-cv-10430 )

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**DONALD JONES, MD'S MOTION TO EFFECTUATE TRANSFER**

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Defendant Donald Jones, MD moves the Court for entry of an order instructing the clerk to transfer this case back to the Eastern District of Tennessee and close the case in this Court, in accordance with the JPML's conditional remand order at Doc. 3084.

As grounds for the Motion, Dr. Jones states:

1. On September 9, 2016, the JPML issued a conditional remand order remanding this case (among others) back to the transferor court (U.S. District Court for the Eastern District of Tennessee).<sup>1</sup> The conditional remand order allowed parties seven days to object to remand.<sup>2</sup> The conditional remand order was filed in this Court on September 9, 2016.<sup>3</sup> No party objected to remand within seven days.<sup>4</sup>

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<sup>1</sup> Dkt. No. 1:13-md-2419, Doc. 3084 at 4.

<sup>2</sup> Dkt. No. 1:13-md-2419, Doc. 3084 at 1.

<sup>3</sup> Dkt. No. 1:13-md-2419, Doc. 3084 at 1.

<sup>4</sup> Dr. Jones also conferred with counsel for the Plaintiff who did not object to remand.

2. The conditional remand order instructed the parties to submit a stipulation or designation of the record to be remanded pursuant to Rule 10.4(a) of the Rules of Procedure of the United States Judicial Panel on Multidistrict Litigation.<sup>5</sup> Dr. Jones filed a designation of the record for remand in the individual docket for this case on December 7, 2016.<sup>6</sup> No party objected to Dr. Jones' designation of the record, nor submitted their own designation of the record.

3. As no party has objected to remand or Dr. Jones' designation of the record, Dr. Jones respectfully requests that this Court enter an order instructing the Massachusetts District Court Clerk to transfer this case to the Eastern District of Tennessee, with the filings identified in Dr. Jones' designation of the record for remand, and close the case in this Court. A proposed order is attached hereto as Exhibit 1.<sup>7</sup>

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<sup>5</sup> Dkt. No. 1:13-md-2419, Doc. 3084 at 1.

<sup>6</sup> Dkt. No. 1:14-cv-10430, Doc. 8.

<sup>7</sup> The clerk has apparently already transferred some of the cases subject to the conditional remand order without further action from the Court. See Dkt. No. 1:13-cv-10404. It is not clear why this case has not yet been transferred. The intent of this Motion is simply to carry out the transfer.

**GIDEON, COOPER & ESSARY, PLC**

/s/ Chris J. Tardio

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\*Admitted pursuant to MDL Order No. 1

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**CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the CM/ECF system will be served electronically to the registered participants identified on the Notice of Electronic Filing this the 23<sup>rd</sup> day of January, 2017.

/s/ Chris J. Tardio

**CHRIS J. TARDIO**